

**City of Alexandria
City Council Special Public Hearing
Tuesday, July 5, 2022, 5:30 PM
Meeting Minutes**

Present: Mayor Justin M. Wilson, Vice Mayor Amy B. Jackson, Members of Council Canek Aguirre, Sarah R. Bagley, John Taylor Chapman, Alyia Gaskins, and R. Kirk McPike.

Absent: None.

Also Present: Mr. Parajon, City Manager; Ms. Anderson, City Attorney; Ms. Brown, Deputy City Attorney; Mr. Moritz, Director, Planning and Zoning (P&Z); Ms. Ford, Urban Planner, P&Z; Mr. Imm, Principal Planner, P&Z; Ms. Jovovic, Office of Housing; Mr. Kerns, Division Chief, P&Z; Ms. Williams, Assistant Director, P&Z; Ms. Landrum, Director, AEDP; Ms. Miliarias, Principal Planner, P&Z; Ms. McIlvaine, Director, Office of Housing; Mr. Lambert, Director, Transportation and Environmental Services (T&ES); Mr. Ziemann, Division Chief, T&ES; Mr. Lucarelli, Urban Planner, P&Z; Mr. Knight, T&ES; Ms. Mason, T&ES; Mr. Lawrence, Principal Planner, P&Z; Mr. Swidriak, Urban Planner, P&Z; Ms. Lo, Recreation, Parks and Cultural Activities; Mr. Farner, Deputy Director, P&Z; Ms. Orr, Deputy Director, T&ES; Mr. Smith, Information Technology Services (ITS); Ms. Demeke, ITS; and Police Captain Ballentine.

Recorded by: Gloria Sitton, City Clerk and Clerk of Council.

I. OPENING

1. Calling the Roll.

Mayor Wilson called the meeting to order and the City Clerk called the roll. All members of City Council were present.

2. Public Discussion Period

The following persons participated in the public discussion period:

1. Dr. Samantha Ahdoot, Alexandria, presented the City Council with a petition requesting that the use of gas-powered leaf blowers be phased out in the City and that the City enforce the 2022 noise ordinance and/or enact other policies to

address the matter.

2. Robert Ray, Alexandria, spoke about the City establishing a Business Improvement District (BID) and how its development does not encourage an equitable recovery for all residents and businesses.

WHEREUPON, upon motion by Vice Mayor Jackson, seconded by Councilman Chapman and carried unanimously, City Council closed the public discussion period. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Jackson, Councilman Aguirre, Councilmember Bagley, Councilman Chapman, Councilwoman Gaskins, and Councilman McPike; Opposed, none.

II. REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES ACTION CONSENT CALENDAR (3)

Planning Commission

3. Zoning Text Amendment #2022-00004
Auxiliary Dwelling Units in Commercial Zones
Initiation of a text amendment and public hearing and consideration of a text amendment to the Zoning Ordinance to add the definition for auxiliary dwellings in section 2-136.2; change the code number reference for co-living dwellings; to amend Sections 4-100, 4-200, 4-300, 4-400, 4-500, 4-600, 4-800, 4-900, 4-1000, 5-100, 5-200, 5-300, 5-400, 5-500, and 6-700 to make auxiliary dwellings a permitted use and establish the standards for auxiliary dwellings; to allow auxiliary dwellings in the NR zone under Section 4-1400; and to amend Section 8-200 to establish parking requirements for auxiliary dwellings.
Staff: City of Alexandria, Department of Planning & Zoning
Planning Commission Action: Recommended Approval 7-0

(A copy of the Planning Commission report is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 3; 07/05/22, and is incorporated as part of this record by reference.)

END OF ACTION CONSENT CALENDAR

WHEREUPON, upon motion by Vice Mayor Jackson, seconded by Councilman Chapman and carried unanimously, City Council approved the consent calendar. The approval was as follows:

3. City Council approved the Planning Commission recommendation.

The vote was as follows: In favor, Mayor Wilson, Vice Mayor Jackson, Councilman Aguirre, Councilmember Bagley, Councilman Chapman, Councilwoman Gaskins, and Councilman McPike; Opposed, none.

III. ROLL-CALL CONSENT CALENDAR (4-7)

4. Public Hearing, Second Reading and Final Passage of an Ordinance authorizing the owner of the property located at 4915 Polk Avenue to construct and maintain an encroachment for a driveway in the public right of way adjacent to that location (Implementation Ordinance for Encroachment No. 2022-00004 associated with Alexandria Free Methodist Church approved by City Council on June 18, 2022). [ROLL-CALL VOTE]

(A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 4; 07/05/22, and is incorporated as part of this record by reference.)

A copy of the ordinance referred to in the above item, of which each member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 8; 07/05/22, and is incorporated as part of this record by reference.)

5. Public Hearing, Second Reading and Final Passage of an Ordinance to amend and reordain Sheet No. 034.04 of the "Official Zoning Map, Alexandria, Virginia," adopted by Section 1-300 (OFFICIAL ZONING MAP AND DISTRICT BOUNDARIES), of the City of Alexandria Zoning Ordinance, by rezoning the properties at 31 and 33 East Bellefonte Avenue from R-2-5/Single- and two-family zone to RB/Townhouse zone in accordance with the said zoning map amendment heretofore approved by city council as Rezoning No. 2022-00002 (Implementation Ordinance for Rezoning No. 2022-00002 associated with 31 and 33 East Bellefonte Avenue approved by City Council on June 18, 2022). [ROLL-CALL VOTE]

(A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 5; 07/05/22, and is incorporated as part of this record by reference.)

A copy of the ordinance referred to in the above item, of which each member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 5; 07/05/22, and is incorporated as part of this record by reference.)

6. Public Hearing, Second Reading and Final Passage of an Ordinance to amend and reordain Articles II (DEFINITIONS), VII (SUPPLEMENTAL ZONE REGULATIONS), and XII (NONCOMPLIANCE AND NONCONFORMITY) and Section 11-1302 (SPECIAL EXCEPTION ESTABLISHED) of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2022-00008 (Implementation Ordinance for Text Amendment No. 2022-00008 associated with the minor amendments approved by City Council on June 18, 2022). [ROLL-CALL VOTE]

(A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 6; 07/05/22, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 6; 07/05/22, and is incorporated as part of this record by reference.)

7. Public Hearing, Second Reading and Final Passage of an Ordinance to repeal Ordinance No. 5416 that vacated a portion of the public right-of-way that is part of an alley along Mount Vernon Avenue, which is bounded by 3608 Mount Vernon Avenue to the southeast and 3610 Mount Vernon Avenue to the northwest (VAC No. 2021-00001). [ROLL-CALL VOTE]

(A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 7; 07/05/22, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 7; 07/05/22, and is incorporated as part of this record by reference.)

END OF ROLL-CALL CONSENT CALENDAR

WHEREUPON, upon motion by Councilwoman Gaskins, seconded by Councilman McPike and carried unanimously by roll-call vote, City Council closed the public hearing and approved the roll-call consent calendar. The approvals were as follows:

4. City Council adopted an ordinance authorizing the owner of the property located at 4915 Polk Avenue to construct and maintain an encroachment for a driveway in the public right-of-way adjacent to that location.

The ordinance reads as follows:

ORDINANCE NO. 5445

AN ORDINANCE authorizing the owner of the property located at 4915 Polk Avenue to construct and maintain an encroachment for a driveway in the public right of way adjacent to that location.

WHEREAS, Trustees of Alexandria Free Methodist Church are the Owners ("Owners") of the property located at 4915 Polk Avenue, in the City of

Alexandria, Virginia; and

WHEREAS, Owners desire to establish and maintain a driveway which will encroach into the public right-of-way at that location; and

WHEREAS, the public right-of-way at that location will not be significantly impaired by this encroachment; and

WHEREAS, in Encroachment No. 2022-00004 the Planning Commission of the City of Alexandria recommended approval to the City Council subject to certain conditions at one of its regular meetings held on May 3, 2022, which recommendation was approved by the City Council at its public hearing on May 14, 2022; and

WHEREAS, it has been determined by the Council of the City of Alexandria that this encroachment is not detrimental to the public interest; now, therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Owners be, and the same hereby are, authorized to establish and maintain an encroachment into the public right-of-way adjacent to 4915 Polk Avenue as shown in the attached encroachment plat, in the City of Alexandria, said encroachment consisting of a driveway, until the encroachment is removed or destroyed or the authorization to maintain it is terminated by the city; provided, that this authorization to establish and maintain the encroachment shall not be construed to relieve Owners of liability for any negligence on their part on account of or in connection with the encroachment and shall be subject to the provisions set forth below.

Section 2. That the authorization hereby granted to establish and maintain said encroachment shall be subject to and conditioned upon Owners maintaining, at all times and at their own expense, liability insurance, covering both bodily injury and property damage, with a company authorized to transact business in the Commonwealth of Virginia and with minimum limits as follows:

Bodily Injury: \$1,000,000 each occurrence
\$1,000,000 aggregate

Property Damage: \$1,000,000 each occurrence
\$1,000,000 aggregate

This liability insurance policy shall identify the City of Alexandria and Owners as named insureds and shall provide for the indemnification of the City of Alexandria and Owners against any and all loss occasioned by the establishment, construction, placement, existence, use or maintenance of the encroachment. Evidence of the policy and any renewal thereof shall be filed with the city attorney's office. Any other provision herein to the contrary notwithstanding, in the event this policy of insurance lapses, is canceled, is not renewed or otherwise ceases to be in force and effect, the authorization herein granted to establish and maintain the encroachment shall, at the option of the city, forthwith and without notice or demand by the city, terminate. In that event, Owners shall, upon notice from the city, remove the encroachment from the public right-of-way, or the city, at its option, may remove the encroachment at the expense and risk of Owners. Nothing in this section shall relieve Owners of their obligations and undertakings required under this ordinance.

Section 3. That the authorization hereby granted to establish and maintain said encroachment shall in addition be subject to and conditioned upon the following terms:

- (a) Neither the City of Alexandria nor any public or private utility company shall be responsible for damage to Owners' property encroaching into the public right-of-way during repair, maintenance or replacement of the public right-of-way or any public facilities or utilities in the area of encroachment.
- (b) The Owners shall be responsible for replacement and repairs to the adjacent City right-of-way, including any areas damaged during construction activity.
- (c) In the event the City shall, in the future, have need for the area of the proposed encroachment, the Owners shall remove any structure that encroached into the public right-of-way, within 60 days, upon notification by the City. The Owner shall bear all the cost associated with any future removal of the encroachments.
- (d) Within the encroachment areas identified in the metes and bounds exhibit, no additional equipment or structures may be erected, and no existing equipment or structures shall be enlarged or intensified without prior approval of the Directors of P&Z and T&ES. No administrative changes may be made after approval of the encroachment ordinance.
- (e) The applicant shall bear all the cost associated with maintenance of the improvements within the encroachment and with any future removal of an infrastructure installed within the encroachments.

Section 4. That by accepting the authorization hereby granted to establish

and maintain the encroachment and by so establishing and/or maintaining the encroachment, Owners shall be deemed to have promised and agreed to save harmless the City of Alexandria from any and all liability (including attorneys' fees and litigation expenses) arising by reason of the establishment, construction, placement, existence, use or maintenance of the encroachment.

Section 5. That the authorization herein granted to establish and maintain the encroachment shall be subject to Owners maintaining the area of the encroachment at all times unobstructed and free from accumulation of litter, snow, ice and other potentially dangerous matter.

Section 6. That nothing in this ordinance is intended to constitute, or shall be deemed to be, a waiver of sovereign immunity by or on behalf of the City of Alexandria or any of its officers or employees.

Section 7. That the authorization herein granted to establish and maintain the encroachment shall be terminated whenever the City of Alexandria desires to use the affected public right-of-way for any purpose whatsoever and, by written notification, demands from Owners the removal of the encroachment. Said removal shall be completed by the date specified in the notice and shall be accomplished by Owners without cost to the city. If Owners cannot be found, or shall fail or neglect to remove the encroachment within the time specified, the city shall have the right to remove the encroachment, at the expense of Owners, and shall not be liable to Owners for any loss or damage to the structure of the encroachment or personal property within the encroachment area, caused by the removal.

Section 8. The terms "Owners" and shall be deemed to include Trustees of Alexandria Free Methodist Church and their respective successors in interest.

Section 9. That this ordinance shall be effective upon the date and at the time of its final passage and shall expire six months from the date of final site plan approval.

5. City Council adopted an ordinance to amend and reordain Sheet No. 034.04 of the "Official Zoning Map, Alexandria, Virginia," adopted by Section 1-300 (OFFICIAL ZONING MAP AND DISTRICT BOUNDARIES), of the City of Alexandria Zoning Ordinance, by rezoning the properties at 31 and 33 East Bellefonte Avenue from R-2-5/Single-and two-family zone to RB/Townhouse zone in accordance with the said zoning map amendment heretofore approved by city council as Rezoning No. 2022-00002.

The ordinance reads as follows:

ORDINANCE NO. 5446

AN ORDINANCE to amend and reordain Sheet No. 034.04 of the "Official Zoning Map, Alexandria, Virginia," adopted by Section 1-300 (OFFICIAL ZONING MAP

AND DISTRICT BOUNDARIES), of the City of Alexandria Zoning Ordinance, by rezoning the properties at 31 and 33 East Bellefonte Avenue from R-2-5/Single- and two-family zone to RB/Townhouse zone in accordance with the said zoning map amendment heretofore approved by city council as Rezoning No. 2022-00002.

WHEREAS, the City Council finds and determines that:

1. In Rezoning No. 2022-00002, the Planning Commission, having found that the public necessity, convenience, general welfare and good zoning practice so require, recommended approval to the City Council on June 7, 2022 of a rezoning of the properties at 31 and 33 East Bellefonte Avenue from, R-2-5/Single- and two-family zone to RB/Townhouse zone, which recommendation was approved by the City Council at public hearing on June 18, 2022;

2. The said rezoning is in conformity with the 1992 Master Plan of the City of Alexandria, Virginia, as amended;

3. All requirements of law precedent to the adoption of this ordinance have been complied with; now, therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Sheet No. 034.04 of the "Official Zoning Map, Alexandria, Virginia," adopted by Section 1-300 of the City of Alexandria Zoning Ordinance, be, and the same hereby is, amended by changing, in the manner set forth below, the zoning classification of the property hereinafter described:

LAND DESCRIPTION: 31 East Bellefonte Avenue, Alexandria, Virginia 22301, 034.04-15-23

From: R-2-5/Single- and two-family zone
To: RB/Townhouse zone

LAND DESCRIPTION: 33 East Bellefonte Avenue, Alexandria, Virginia 22301, 034.04-15-22

From: R-2-5/Single- and two-family zone
To: RB/Townhouse zone

Section 2. That the director of planning and zoning be, and hereby is, directed to record the foregoing amendment on the said map.

Section 3. That Sheet No. 034.04 of the "Official Zoning Map, Alexandria, Virginia," as so amended, be, and the same hereby is, reordained as part of the City of Alexandria Zoning Ordinance.

Section 4. That this ordinance shall become effective on the date and at the time of its final passage.

6. City Council adopted an ordinance to amend and reordain Articles II (DEFINITIONS), VII (SUPPLEMENTAL ZONE REGULATIONS), and XII (NONCOMPLIANCE AND NONCONFORMITY) and Section 11-1302 (SPECIAL EXCEPTION ESTABLISHED) of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2022-00008.

The ordinance reads as follows:

ORDINANCE NO. 5447

AN ORDINANCE to amend and reordain Articles II (DEFINITIONS), VII (SUPPLEMENTAL ZONE REGULATIONS), and XII (NONCOMPLIANCE AND NONCONFORMITY) and Section 11-1302 (SPECIAL EXCEPTION ESTABLISHED) of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2022-00008.

WHEREAS, the City Council finds and determines that:

1. In Text Amendment No. 2022-00008, the Planning Commission, having found that the public necessity, convenience, general welfare and good zoning practice so require, recommended approval to the City Council on June 7, 2022 of a text amendment to the Zoning Ordinance to adopt minor updates, which recommendation was approved by the City Council at public hearing on June 18, 2022;

2. The City Council in adopting this ordinance expressly adopts, ratifies, affirms and concurs in the finding and action of the Planning Commission above stated;

3. All requirements of law precedent to the adoption of this ordinance have been complied with; now, therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Article II of the Zoning Ordinance be, and the same hereby is, amended by deleting the language and drawings shown in strikethrough and inserting new language and drawings shown in underline, as follows:

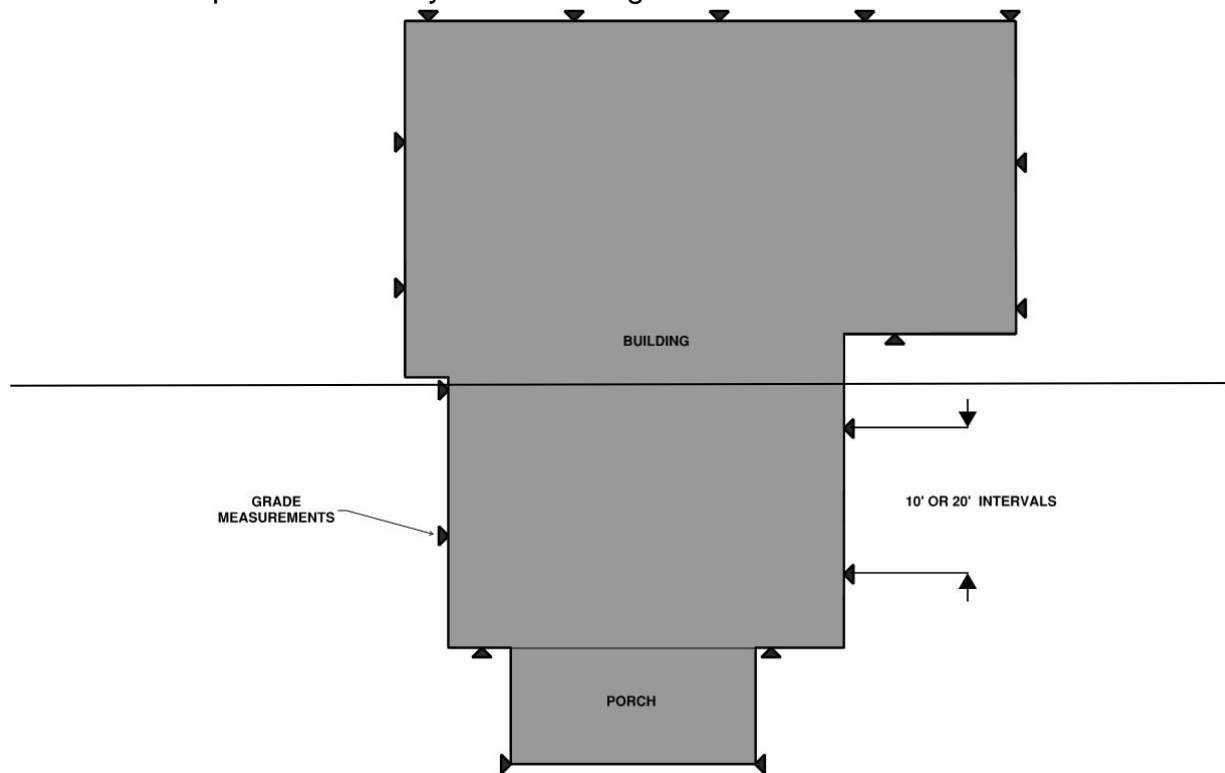
2-104 – Reserved. ~~Accessory use.~~

~~A use which is clearly subordinate to and serves a permitted principal use; and is subordinate in area, extent and purpose to the principal use served. An accessory use~~

generally occupies less than 33 percent of the principal use gross floor area and does not change the character of the principal use.

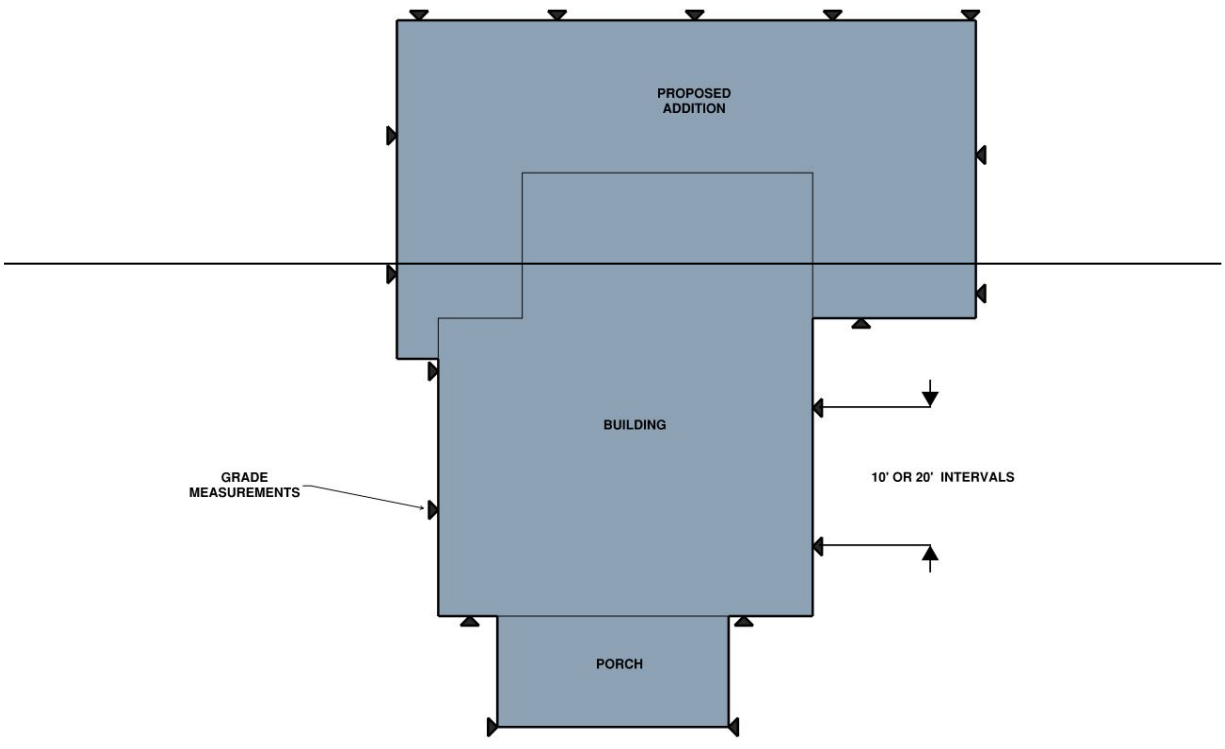
2-119 Reserved. Average finished grade.

The elevation obtained by averaging the finished ground surface elevation at intervals of ten feet at the perimeter of a single, two-family or townhouse dwelling and intervals of 20 feet at the perimeter of any other building.



2-119.1 Reserved Average pre-construction grade.

The elevation obtained by averaging the ground surface elevation at intervals of ten feet at the perimeter of an existing or proposed single, two-family or townhouse dwelling and intervals of 20 feet at the perimeter of any other building prior to construction. For accessory buildings less than 250 square feet, there shall be at least four ground surface elevations spaced at fixed intervals around the perimeter of an existing or proposed accessory building.



2-123.2 – Building, principal or main.

A building in which the principal use of the lot on which the building is located is conducted.

2-132 – Reserved Curb grade.

~~The elevation of the established curb in front of a building measured at the midpoint of the frontage of such building. Where no curb exists, the director of transportation and environmental services shall establish the curb grade for the existing or proposed street in accordance with the existing master street grading plans of the city.~~

2-145 Floor area.

- (A) For residential dwellings in the R-20, R-12, R-8, R-5, R-2-5, and single-family and two-family dwellings in the RA and RB zones (not including property located within the Old and Historic Alexandria and Parker-Gray Districts), the floor area of the building or buildings on a lot or tract of land (whether "main" or "accessory") is the sum of all gross horizontal areas under roof on a lot. These areas shall be measured from exterior faces of walls or any extended area under roof and are to be measured from the shared lot line in the case of party walls. Floor area with a ceiling height 15 feet or greater shall be counted twice. Floor area with a ceiling height 25 feet or greater shall be counted three times. This space shall be based on permanent construction whether or not provided with a finished floor or ceiling. Excluded from floor area shall be:

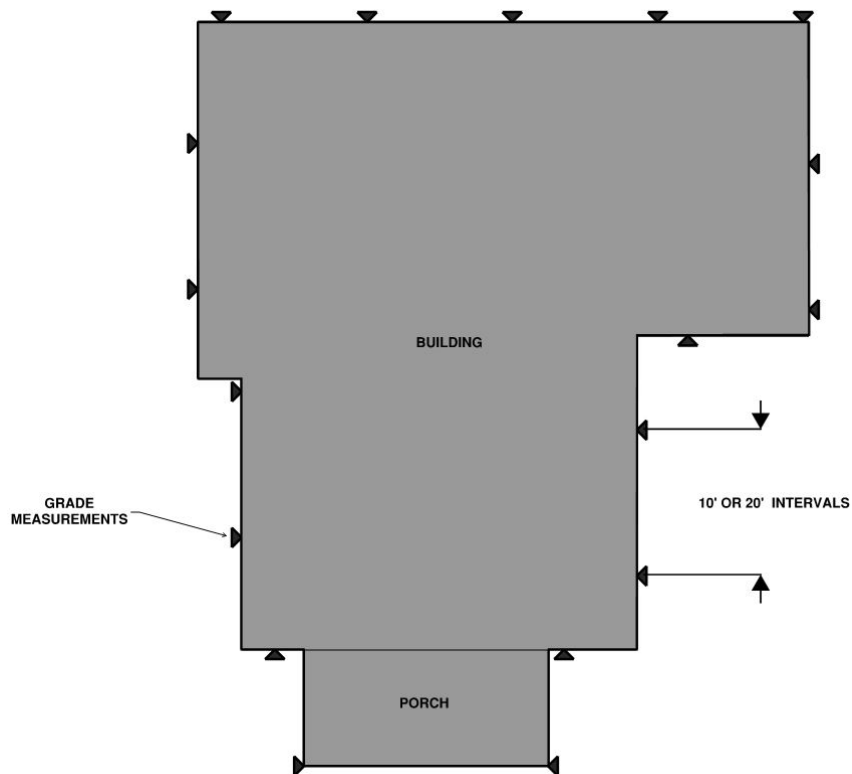
(13) Pergolas in accordance with 7-202(A)(5).

- (B) For properties except for those specified in subsection (A), above, the floor area of the building or buildings on a lot or tract or tract of land (whether "main" or "accessory") is the sum of all gross horizontal areas under roof on a lot. These areas shall be measured from the exterior faces of walls or any extended area under roof and are to be measured from the shared lot line in the case of party walls. This space shall be based on permanent construction whether or not provided with a finished floor or ceiling. Excluded from floor area shall be:

(16) Pergolas in accordance with 7-202(A)(5).

2-150.2 Grade, average finished.

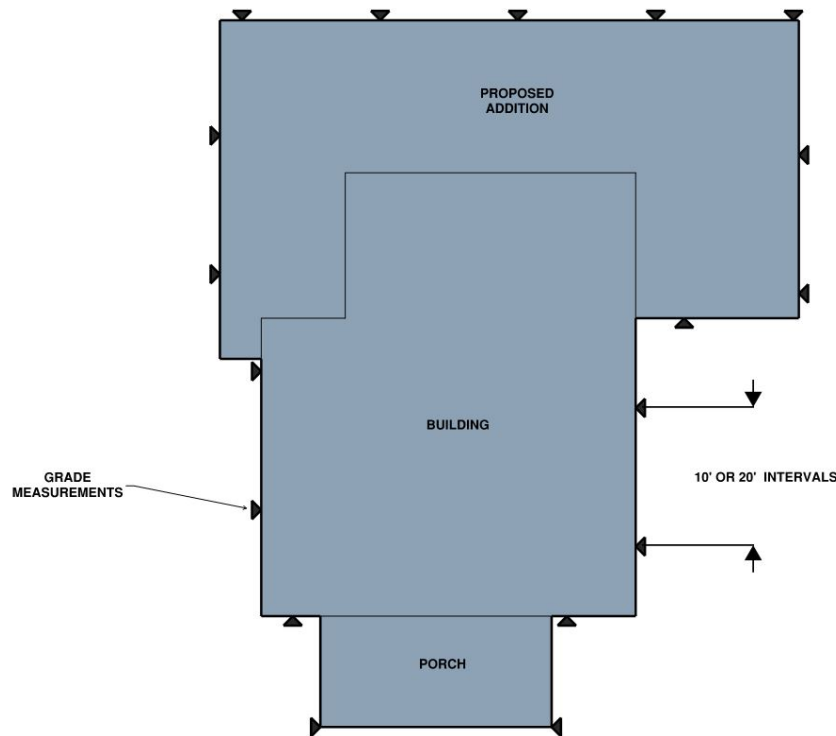
The elevation obtained by averaging the finished ground surface elevation at intervals of ten feet at the perimeter of a single, two-family or townhouse dwelling and intervals of 20 feet at the perimeter of any other building.



~~See average finished grade.~~

2-150.3 Grade, average pre-construction.

The elevation obtained by averaging the ground surface elevation at intervals of ten feet at the perimeter of an existing or proposed single, two-family or townhouse dwelling and intervals of 20 feet at the perimeter of any other building prior to construction. For accessory buildings less than 250 square feet, there shall be at least four ground surface elevations spaced at fixed intervals around the perimeter of an existing or proposed accessory building.



See average pre-construction grade.

2-150.4 – Grade, curb

The elevation of the established curb in front of a building measured at the midpoint of the frontage of such building. Where no curb exists, the director of transportation and environmental services shall establish the curb grade for the existing or proposed street in accordance with the existing master street grading plans of the city.

2-180 Open and usable space. That portion of a lot at ground level which is:

(C) Unoccupied by principal or accessory structures except for fences, walls, or trellises and pergolas in accordance with 7-202(A)(5);

(D)~~(C)~~ Unobstructed by other than recreational facilities and

(E)~~(D)~~ Not used in whole or in part as roads, alleys, emergency vehicle easement areas, driveways, maneuvering aisles or off-street parking or loading berths.

2-184 – Reserved. Principal or main building.

~~A building or structure in which the principal use of the lot on which the building is located is conducted.~~

2-185 – Reserved. Principal use.

~~The primary or main activity for which a lot is used as distinguished from an accessory use.~~

2-197.3 – Structure, principal-Reserved.

A structure which serves the principal use of the lot as distinguished from an accessory structure.

2-200.2 – Use, accessory.

A use which is clearly subordinate to and serves a permitted principal use; and is subordinate in area, extent and purpose to the principal use served. An accessory use generally occupies less than one-third of the gross floor area of the principal use and does not change the character of the principal use.

2-200.3 – Use, principal.

The primary activity for which a lot, structure or building is used, as distinguished from an accessory use.

Section 2. That Article VII of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

7-103 Building, use and structure limitations.

The following limitations apply to accessory buildings, uses and structures:

- (A) For residential uses only, no accessory building, use or structure shall be located forward of a front building wall facing a primary front yard except as provided in sections 7-202(A) and 7-202(E). For all other uses, no accessory building shall be located forward of a front building wall facing a primary front yard except as provided in section 7-202(A).

7-301 Use limitations.

- (A) Up to two employees are permitted on site provided that only those persons who are bona fide residents of the premises may obtain a business license to operate the home occupation pursuant to section 7-304.

- (M) ~~For contractor or service business, in addition to the other requirements of this section 7-300, the following additional limitations apply:~~

- ~~(1) No employees, other than persons legally residing on the premises, shall report to work at a residential location other than a job site.~~

- ~~(2) Not more than one commercial vehicle having a capacity not greater than one ton shall be parked on the property and then only in accordance with applicable regulations of this ordinance.~~

- ~~(N)(3) No contracting equipment or materials shall be stored on the premises, except in a commercial vehicle used for transporting said equipment and materials between jobs, and no loading or unloading shall be done on or in the vicinity of the premises.~~

7-902 Setback requirements.

- (B) Front yards. ~~Where A commercial or industrial building property within in a commercial or industrial zone, is directly across a street from property in a residential zone, shall provide the minimum front yard the front yard setback shall be the front yard setback required of the residential zone.~~

Section 3. That Section 11-1302 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

11-1302 Special exception established.

A lot developed with a single family, two family, or townhouse dwelling may be the subject of a special exception from the following zoning requirements pursuant to this section 11-1300:

- (A) Fences on corner lots provided that nothing in this subsection shall be deemed to authorize the approval of more than one special exception per lot under the provisions of this subsection.

- (B) Yard and setback requirements for enlargement of a dwelling, as follows:

- (3) Nothing in this subsection shall be deemed to authorize the extension or enlargement of a single family, two family or townhouse dwelling beyond the maximum height or floor area ratio permitted by the zone in which such dwelling is located nor to authorize the approval of more than one special exception per dwelling under the provisions of this subsection.

Section 4. That Article XII of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

12-102 Noncomplying structures.

Noncomplying structures shall be permitted to continue indefinitely and shall be considered legal structures, but subject to the following restrictions:

- (D) Residential reuse. A building which faces the unit through 1400 block of King Street and which is a noncomplying structure because it exceeds the floor area ratio of the KRC~~D~~ zone, may be converted from nonresidential to same residential use, notwithstanding any requirement of the KRC~~D~~ zone applicable to residential uses, provided that a special use permit is approved to allow such conversion.

12-213 – Reserved. ~~Abatement of certain home occupation uses.~~

- ~~(A) A home occupation accessory use, in connection with which there occurs any on-site participation, employment or use of labor from persons who are not bona fide, full time residents of the dwelling, shall be categorized as an illegal use under this ordinance and prior law, and all such participation, employment or use of labor shall cease within 30 days of any written order issued by the director pursuant to sections 11-204 or 11-206, and such use shall thereafter comply with the requirements of section 7-300 of this ordinance.~~
- ~~(B) Notwithstanding the provisions of subsection (A), a home occupation accessory use, otherwise subject to subsection (A), which existed on June 24, 1992, may apply for an abatement special use permit pursuant to this subsection, provided that application therefor is filed within 60 days of April 17, 1993. In addition to any other provisions of law:~~
- ~~(1) The applicant for such permit shall be a natural person who shall have been a bona fide, full time resident of the dwelling since June 24, 1992.~~
- ~~(2) The permit may be issued only to the named applicant as permittee, and shall not be alienable or transferable in any manner.~~
- ~~(3) The permit shall expire, and the home occupation shall cease or revert to compliance with section 7-300, within the time specified in the permit and, in any event, at the earlier of such specified time or such time as the permittee ceases to be a bona fide, full time resident of the dwelling. The uninterrupted absence of the permittee from the dwelling for a period of 60 days or longer shall create a rebuttable presumption that bona fide residence has ceased.~~
- ~~(4) In addition to any other conditions imposed, the following shall be required conditions of the permit:~~
- ~~(a) No intensification of the use as it existed on June 24, 1992, and as described in the permit application shall be permitted at any time.~~

- ~~(b) No advertising of the home occupation by television, radio or direct mail shall be permitted at any time.~~
- ~~(c) To the extent that any other provision of this ordinance is inconsistent with the provisions of this section 12-213 or any special use permit granted hereunder, the provisions of this section or the terms and conditions of such special use permit shall be controlling.~~

Section 5. That the director of planning and zoning be, and hereby is, directed to record the foregoing text amendment.

Section 3. That Articles II, VII, XII, and Section 11-1302, as amended pursuant to Sections 1 through of this ordinance, be, and the same hereby are, reordained as part of the City of Alexandria Zoning Ordinance.

Section 4. That this ordinance shall become effective on the date and at the time of its final passage, and shall apply to all applications for land use, land development or subdivision approval provided for under the City of Alexandria Zoning Ordinance which may be filed after such date, and shall apply to all other facts and circumstances subject to the provisions of the City of Alexandria Zoning Ordinance, except as may be provided in Article XII of the Zoning Ordinance.

7. City Council adopted an ordinance to repeal Ordinance No. 5416 that vacated a portion of the public right-of-way that is part of an alley along Mount Vernon Avenue, which is bounded by 3608 Mount Vernon Avenue to the southeast and 3610 Mount Vernon Avenue to the northwest.

The ordinance reads as follows:

ORDINANCE NO. 5448

AN ORDINANCE to repeal Ordinance NO. 5416 that vacated a portion of the public right-of-way that is part of an alley along Mount Vernon Avenue, which is bounded by 3608 Mount Vernon Avenue to the southeast and 3610 Mount Vernon Avenue to the northwest. (VAC NO. 2021-00001).

WHEREAS, Alexandria Housing Development Corporation (AHDC) applied for the vacation of a portion of the public right-of-way that is an alley along Mt. Vernon Avenue, which is bounded by 3608 Mount Vernon Avenue to the southeast and 3610 Mount Vernon Avenue to the northwest in the City of Alexandria, Virginia; and

WHEREAS, in Vacation No. 2021-00001, the planning commission recommended approval to the City Council on January 4, 2022 of a vacation of public right of way, which recommendation was approved by the City Council at public hearing on January 22, 2022; and

WHEREAS, on March 12, 2022, City Council adopted Ordinance No. 5416 related to Vacation No. 2021-00001; and

WHEREAS, AHDC no longer wishes to pursue ownership of the above described public right-of-way due to changes proposed to its development plans; an

WHEREAS, the procedures required by law, have been followed in conjunction with this repeal of an ordinance; and

WHEREAS, in consideration the evidence and of compliance with the conditions set forth under the law, the Council of the City of Alexandria, has determined that the portion of the public right-of-way should not be vacated; therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the Ordinance No. 5416, related to Vacation No. 2021-00001, adopted by City Council on March 12, 2022, be repealed for the reasons set forth herein.

Section 2. That the city manager be, and hereby is, authorized to do on behalf of the City of Alexandria all things necessary or desirable to carry into effect this ordinance, including the execution of documents.

Section 3. That the city clerk be, and hereby is, authorized to attest the execution by the city manager of all documents necessary or desirable to carry into effect this ordinance, and to affix thereon the official seal of the City of Alexandria, Virginia.

Section 4. That this ordinance shall be effective upon the date and at the time of its final passage.

IV. REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER

None.

**V. REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)
Planning Commission (continued)**

8. Coordinated Development District Conceptual Design Plan #2022-00002
Development Special Use Permit #2022-10012
Transportation Management Plan Special Use Permit #2022-00033
221 West Glebe Road and 3606, 3608, 3610, 3612 and 3700 Mount Vernon Avenue - AHDC Glebe/Mt. Vernon
Public Hearing and consideration of requests for: (A) a Coordinated Development District (CDD) Conceptual Design Plan (amending CDD #2021-00005); (B) a

Development Special Use Permit (DSUP) with site plan including special use permits for additional density through the provision of affordable housing pursuant to Section 7-700 and for a parking reduction; modifications to the height-to-setback ratio, the line at zone transition, and the front yard setback as per Sections 6-403, 7-902(A) and 7-902(B) respectively, to construct a mixed-use affordable housing multifamily development with structured parking (amending DSUP #2021-10024); and, (C) a Tier III Transportation Management Plan Special Use Permit (TMP SUP) (amending SUP #2021-00063); zoned: CDD #12/Coordinated Development District #12. Applicants: Alexandria Housing Development Corporation (AHDC), represented by Duncan W. Blair, attorney, and the City of Alexandria

Planning Commission Action: Recommended Approval 7-0

(A copy of the Planning Commission report is on file in the Office of the City Clerk and Clerk of Council, marked, Item No. 8; 07/05/22, and is incorporated as part of this record by reference.)

The following persons participated in the public hearing for this item:

1. Matt Hardiman, Alexandria, spoke in opposition to the project.
2. Cary Balser, Alexandria, spoke in opposition to the project.
3. Erika Souliere, Alexandria, spoke in opposition to the project.
4. Joshua Bowman, Alexandria, spoke in opposition to the project.
5. Duncan Blair, attorney for the applicant, spoke in support of the proposal and responded to questions from Council.

WHEREUPON, upon motion by Councilman McPike, seconded by Councilman Chapman and carried unanimously, City Council closed the public hearing. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Jackson, Councilman Aguirre, Councilmember Bagley, Councilman Chapman, Councilwoman Gaskins, and Councilman McPike; Opposed, none.

WHEREUPON, upon motion by Vice Mayor Jackson, seconded by Councilman Chapman, and carried unanimously, City Council approved the Planning Commission recommendation. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Jackson, Councilmember Bagley, Councilman Chapman, Councilwoman Gaskins, and Councilman McPike; Opposed, none.

9. Master Plan Amendment #2022-00002
Master Plan Amendment #2022-00001
Zoning Text Amendment #2022-00007
Zoning Text Amendment #2022-00006

Rezoning #2022-00004

Rezoning #2022-00003

Coordinated Development District Conceptual Design Plan #2021-00004

Potomac River Generating Station (PRGS) CDD - 1300 North Royal Street
Initiation of and Public Hearing and consideration of requests for: (A) an amendment to the Old Town North Small Area Plan chapter of the Master Plan to amend the Old Town North Urban Design Standards and Guidelines to add the Old Town North -Urban Standards and Guidelines addendum for the PRGS site and adding the-Design Excellence Pre-Requisites and Criteria for the PRGS site (B) an amendment to the Old Town North Small Area Plan chapter of the Master Plan to change the Recommended Height District Limits Map in the plan per the heights proposed in the Coordinated Development District conceptual design plan; (C) a Text Amendment to the Zoning Ordinance to amend the provisions of section 5-602 to establish CDD #30 / Coordinated Development District #30; (D) A Text Amendment to the Zoning Ordinance to amend the provisions of section 6-901 to extend the boundaries of the Old Town North arts and cultural district overlay to incorporate arts and cultural uses into the PRGS site; (E) an amendment to the official zoning map to change the zone from UT / Utilities and Transportation to CDD #30; (F) an amendment to the official zoning map to extend the boundaries of the Old Town North arts and cultural district overlay; (G) a Coordinated Development District conceptual design plan to redevelop the former Potomac River Generating Station site into a mixed-use neighborhood; zoned UT/Utilities and Transportation.

Applicants: City of Alexandria (Text Amendments, master plan amendment for the design standards addendums and rezoning for arts and cultural district overlay only) HRP Potomac, LLC, represented by Mary Catherine Gibbs, attorney

Planning Commission Action: Recommended Approval 7-0 (MPA2022-00001, MPA2022-00002, REZ2022-00006 & REZ2022-00007); Recommended Approval 6-1 (CDD2021-00004)

(A copy of the Planning Commission report is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 9; 07/05/22, and is incorporated as part of this record by reference.)

The following persons participated in the public hearing on this item:

1. Lisa Lettieri, Alexandria, spoke in support of the project.
2. Joseph Haggerty, Alexandria, representing the Alexandria Chamber of Commerce, spoke in support of the project.
3. Nora Drouche, Alexandria, spoke in opposition of the project.
4. Zareen Farhah, Sterling, Virginia, spoke in opposition to the project and requested deferral of the project.

5. Berole Bekelele, Alexandria, spoke in opposition to the project.
6. Ismail Ahmed, Alexandria, spoke in opposition to the project.
7. Janet Macidull, Alexandria, requested that the project be delayed.
8. Paul Schwalb, Washington, DC, spoke in opposition to the project.
9. Patricia Haney, Arlington, Virginia, spoke in opposition to the project and requested a delay.
10. Katherine Bingler, Alexandria, requested a delay for the project..
11. Jason Longfellow, Alexandria, spoke in favor of the project.
12. Tom Hicks, Alexandria, representing Marina Towers Board of Directors, requested a delay for the project.
13. Serge Duss, Alexandria, representing Marina Towers, requested a delay for the project.
14. Kathie Hoekstra, Alexandria, spoke about green building policy for the project.
15. Amaresh Beyn, Alexandria, requested a delay of the project for jobs and affordable housing.
16. Alex Goyette, Alexandria, spoke in support of the project.
17. Mary Harris, Alexandria, requested a delay of the project.
18. Paul Smedberg, Alexandria, spoke in support of the project.
19. Carolyn Griffin, Alexandria, spoke in support of this project.
20. Adam Yalowitz, Arlington, Virginia, spoke in opposition to the project.
21. David Peabody, Alexandria, spoke about the environmental elements of the project and requested more from the developer.
22. Mauricio Lopez, Vienna, Virginia, spoke in opposition to the project and requested deferral.
23. Holly Carr, Alexandria, spoke in support of climate and affordable housing for the project.

24. Margaret Townsend, Alexandria, spoke in support of this project.
25. Tom Murray, spoke in support of the project.
26. Ryan Whitaker, Alexandria, spoke in support of this project.
27. Sara Lavan, Alexandria, spoke in support of this project.
28. Mary Catharine Gibbs, attorney for the applicant, spoke in support of this project and responded to questions from Council.
29. Melissa Schrock, representing the applicant, spoke in support of this project and responded to questions from Council.
30. Carolyn Sponza, representing the applicant, spoke in support of this project and responded to questions from Council.
31. Simon Beer, representing the applicant, spoke in support of this project and responded to questions from Council.
33. Michael Babcock, representing the applicant, spoke in support of this project and responded to questions from Council.
34. Dan Van Pelt, Alexandria, spoke in support of this project.

WHEREUPON, upon motion by Councilwoman Jackson, seconded by Councilman Chapman and carried unanimously, City Council closed the public hearing. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Jackson, Councilman Aguirre, Councilmember Bagley, Councilman Chapman, Councilwoman Gaskins, and Councilman McPike; Opposed, none.

WHEREUPON, upon motion by Vice Mayor Jackson, seconded by Councilwoman Gaskins and carried unanimously, City Council approved the Planning Commission recommendation for Master Plan Amendment #2022-00002; Master Plan Amendment #2022-00001; Zoning Text Amendment #2022-00007; Zoning Text Amendment #2022-00006; Rezoning #2022-00004; and Rezoning #2022-00003. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Jackson, Councilman Aguirre, Councilmember Bagley, Councilman Chapman, Councilwoman Gaskins, and Councilman McPike; Opposed, none.

WHEREUPON, upon motion by Vice Mayor Jackson, seconded by Councilman Chapman and carried 6-1 , City Council approved the Coordinated Development District Conceptual Design Plan #2021-00004, with an amendment to condition 13 stating, "The maximum building heights of each building shall be measured from average finished grade to the roofline of each building with additional height permitted above the roofline

for appurtenances, parapets, architectural features and roof decking and guards per Section 6-403 of the Zoning Ordinance, as amended. In addition, the following regulations apply: (a) additional height for mechanical penthouses, solar photovoltaic structures and horizontally adjacent structures for common amenity spaces is permitted up to 20 feet above maximum building height unless increased by Special Use Permit; (b) Applicant shall obtain approval(s) from the Federal Aviation Administration (FAA) and all other applicable Federal and/or State agencies for all block(s), building(s) or portions thereof subject to the applicable FAA height restrictions prior to the release of a building permit. The Applicant shall provide to the Directors of P&Z and T&ES a written statement and/or approval by all applicable Federal and/or State agencies that all block(s), building(s); or portions thereof that are subject to the applicable FAA height restrictions are not a hazard to air navigation or that the project does and is in compliance with all other applicable FAA requirements and/or recommendations. If the FAA and all other applicable Federal and/or State agencies require revisions and/or modifications, the modifications may require subsequent approval by the City Council, if the Director of P&Z determines that the amendments are substantively different than what was approved by City Council. (P&Z); an amendment to Condition 139, correction of a minor error in the text for Conditions 139a, which is correctly indicated on page 8, but on page 96 does not indicate that the final two sentences are stricken. Condition 139d on page 97 is mislabeled as 139f.

The correct condition language is as follows:

The site and each building(s) shall seek to achieve carbon neutrality in compliance with the Old Town North Small Area Plan through application of the targets identified in the Carbon Neutrality Analysis (CNA), dated April 7, 2022, as outlined below:

Site & Building Targets

Target 1

a. Each building(s) shall achieve a minimum 25% reduction in operational carbon emission based on the ASHRAE Standard 90.1-2010 Appendix G – Performance Rating Method baseline established by 2019 Alexandria’s Green Building Policy; or achieve an EUI target based the International Energy Conservation Code (IECC) for climate zone 4A based on building type (e.g. table CC103.1 of the 2021 IECC);. Each building shall comply with the Green Building Policy at time of DSUP submission.

Target 2

b. The site shall achieve a minimum 3% annual on-site renewable energy generation across the CDD area. Prior to the approval of the infrastructure development site plan (DSP), the applicant shall evaluate strategies to increase the targeted 3% on- site energy generation through approaches such as use of public open space,

adjoining properties, or other comparable approaches as part of the Coordinated Sustainability Strategy (CSS). These strategies and analysis will be reviewed as part of the infrastructure DSP. As part of each block's Development Special Use Permit (DSUP) review, the applicant will evaluate strategies to increase the on-site energy generation above 3%.

Target 3

c. Each newly constructed building(s) shall achieve a 10% reduction in embodied carbon compared to industry-standard construction practices. With each preliminary DSUP submission, the Applicant shall provide an estimate of the Embodied Carbon Intensity (ECI) [kgCO₂ /m² or lbCO₂/sf], as identified in the CNA, for the proposed redevelopment as part of the development review process. As part of each block's DSUP, the applicant will evaluate reductions in embodied carbon for associated site improvements.

Target 4

d. Each building(s) and all land use(s) permitted herein shall be solely electric with limited exceptions for allowances for natural gas where electric is not feasible. Natural gas shall be prohibited with limited exceptions for: restaurants and retail uses, emergency generators, common area amenities such as common space grilles and common space fireplaces. For these limited accessory elements, the buildings shall be designed to support low cost and available conversion from fossil fuels to electricity in the future. These limited exceptions shall be re-evaluated with each DSUP submission.

Target 5

e. Off-site renewables shall be utilized towards achieving carbon neutrality, to the extent needed in addition to the targets outlined above, by phase. Off-site renewables may include Power Purchase Agreements (PPAs), Renewable Energy Credits (RECs), and/or other comparable approaches as recommended by staff and approved by the City Council. Generally, the Applicant shall design buildings, infrastructure, and open spaces in a manner to maximize on-site carbon reduction targets and minimize the use of off-site renewables, to the extent feasible. (P&Z) (T&ES) (PC);

and an amendment to Condition 144, stating " Prior to the 2nd concept submission of the Infrastructure Development Site Plan (Infrastructure DSP), the Applicant shall develop and submit the Coordinated Sustainability Strategy (CSS) and include the evaluation of approaches for on-site energy generation as part of the review of the Infrastructure DSP. This CSS shall be reviewed and endorsed by City Council prior to or concurrent with the approval of the Infrastructure DSP and implemented through DSP/DSUP approvals. If the Council does not endorse the CSS, the applicant shall revise and resubmit the CSS to Council for review and endorsement.

The vote was as follows: In favor, Mayor Wilson, Vice Mayor Jackson, Councilman Aguirre, Councilmember Bagley, Councilman Chapman, and Councilman McPike; Opposed, Councilwoman Gaskins.

VI. ORDINANCES AND RESOLUTIONS

None.

**VII. REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)
DEFERRAL/WITHDRAWAL CONSENT CALENDAR**

Planning Commission (continued)

None.

VIII. Adjourn.

THERE BEING NO FURTHER BUSINESS TO BE CONSIDERED, upon motion by Councilman McPike, seconded by Councilman Chapman and carried unanimously, City Council adjourned the special public hearing meeting of July 5, 2022 at 11:19 p.m. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Jackson, Councilman Aguirre, Councilmember Bagley, Councilman Chapman, Councilwoman Gaskins, and Councilman McPike; Opposed, none.

APPROVED BY:

JUSTIN M. WILSON MAYOR

ATTEST:

Gloria A. Sitton, CMC City Clerk

Approved: September 13, 2022